

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court
Southern District of Texas
FILED

NOV 26 2018

David J. Bradley, Clerk of Court

United States of America

v.

Jose NUNEZ-Arellano, aka MANUEL, aka VIEJON;
Huber NUNEZ-Arellano, aka GORDO

Case No.

H18-1886M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 23, 2018 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

8 U.S.C. § 1324(a)(1)(A)(v)(I)

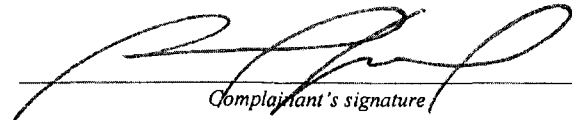
Offense Description

Defendants combined, conspired, confederated and agreed with each other, and with persons known and unknown, to transport and move illegal aliens within the United States, in any manner whatsoever, knowingly and in reckless disregard of the fact that such aliens had come to, entered and remained in the United States in violation of law, and to conceal, harbor and shield from detection the said aliens, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(i).

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

☒ Continued on the attached sheet.


Complainant's signature

Ricardo Morales, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/26/2018


Judge's signature

City and state: Houston, Texas

Dena Hanovice Palermo, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Ricardo Morales, being first duly sworn, depose and state the following:

1. I am a Special Agent, having been so employed since 2001 with the U.S. Department of Justice, Immigration and Naturalization Service (INS), further converted in 2003 to the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). I am presently assigned to the HSI Houston Human Smuggling Group, with investigative responsibility for cases in the Southern District of Texas-Houston Division. As an HSI Special Agent, my job and responsibilities include conducting investigations of violations of the immigration and customs laws of the United States, to include alien smuggling, pursuant to Title 8, United States Code, § 1324; and related offenses. I attended the Federal Law Enforcement Training Center at Glynco, Georgia, where I received training for accomplishing my criminal investigator duties. Furthermore, I also received training on a continuing basis for maintaining my proficiency pertaining to criminal investigator work.

2. This affidavit is made in support of the Criminal Complaint of Jose NUNEZ-Arellano, aka MANUEL, AKA VIEJON, and Huber NUNEZ-Arellano, aka GORDO. The facts contained in this affidavit are based upon information of my own personal knowledge, observations and/or facts related to me by other agents of HSI and/or other law enforcement personnel involved in this investigation. Because this affidavit is being submitted for the limited purpose of establishing probable cause for this arrest, the affidavit may not contain every fact known to me during the course of this investigation.

3. On August 22, 2018, the Houston Police Department (HPD) notified HSI Houston special agents that they received a complaint from a female in New Jersey that her brother had been kidnapped in Houston by his smugglers.

4. On the same day HSI Houston special agents contacted Guatemalan national Ilsia MAZARIEGOS-Salazar (Hereinafter ILSIA), who reported that her brother, identified as Guatemalan national Migdael MAZARIEGOS-Salazar (MIGDAEL), had been successfully smuggled to Houston, Texas by August 12, 2018, after arranging paying an \$8,500 US dollar smuggling fee to smugglers in Guatemala. According to ILSIA, the smugglers reported that he was already in Houston but were requesting an additional \$7,000 US dollars fee in order to release him, threatening her to pay the additional money or "MIGDAEL would be killed, chopped up into pieces and disappeared". ILSIA further added that a smuggler she identified as "EL SOBRINO" (THE NEPHEW) also told her that if she called police "they would kill him" and that "they had people everywhere". ILSIA also reported that she had spoken directly with MIGDAEL on telephone number (956) 599-8196 (Hereinafter TARGET NUMBER) initially on August 12, 2018, and subsequently on August 20, 2018. That day TARGET NUMBER was identified as an AT&T Wireless cellphone number. MIGDAEL was positively identified in HSI systems from a 2015 arrest by Border Patrol in Alice, Texas.

5. On August 23, 2018, HSI agents in New Jersey met with ILSIA and placed a monitored call to number (956) 599-8196. The unidentified male (Hereinafter UM) and ILSIA agreed that a friend in Houston would contact UM later that day to arrange for a meeting to pay the \$7,000 US dollars in exchange for MIGDAEL.

6. Based on the death threats made directly to ILSIA regarding her brother MIGDAEL, on August 23, 2018, HSI Houston special agents arranged for an exigent location service with AT&T Wireless and confirmed that the device associated with TARGET NUMBER was located in Houston, Texas. Surveillance was initiated and led HSI special agents to the Sunset Crossing Apartment Homes at 10630 Beechnut St, in Houston Texas.

7. Later that day, an HSI Houston undercover agent (Hereinafter UCA) contacted the TARGET NUMBER and arranged a meeting to make the exchange of the \$7,000 US dollars for MIGDAEL. UM, utilizing the TARGET NUMBER, directed the UCA to the HEB supermarket at 10100 Beechnut St in Houston to make the exchange. HSI surveillance at the Sunset Crossing Apartment Homes observed a white Chevrolet Tahoe depart the apartments with three Hispanic males on board and followed it to the meeting location with the UCA. At the meeting location the UCA stood outside the Tahoe's driver door and engaged both the driver and the front passenger who directed him to board the vehicle to exchange the money. The UCA confirmed that MIGDAEL was in the back seat of the vehicle and subsequently signaled the surveillance agents to make the arrest. The UCA was forced to toss the currency from his hands into the vehicle and identify himself as a federal officer due to the driver and front passenger being extremely aggressive and uncooperative. Both the driver and the front passenger were arrested and MIGDAEL was detained for immigration violations.

8. Shortly after the arrests, HSI special agents conducted an exigent search for other possible hostages of apartment numbers 115 and 112 at the Sunset Crossing Apartment Homes that were identified during the surveillance. A search for hostages in apartment 115 resulted in the encounter of four additional illegal aliens and apartment 112 was found empty at the time with the front door completely unlocked. HSI special agents were forced to break into apartment 115 because the entrance door was dead-bolted and the windows were obscured. After securing entry into apartment 115 and securing the illegal aliens, agents observed that the windows were boarded up and obscured from the inside and the main door had a lock that was keyed both inside and outside.

9. All encountered subjects were transported to the Immigration and Customs Enforcement (ICE) Service Processing Center (SPC) for further processing and interviews.

10. At the SPC, the driver of the white Tahoe was identified as Mexican national Ismael RODRIGUEZ-Serrano and the passenger as Mexican national Daniel LOPEZ-Garcia. Both RODRIGUEZ-Serrano and LOPEZ-Garcia had previous encounters with Border Patrol agents in Texas.

11. At the SPC, agents interviewed Guatemalan national MIGDAEL, who stated that he travelled from Guatemala and through Mexico to join family in New Jersey in order work and to make a better living for his family. MIGDAEL stated that his sister ILSIA arranged a payment of approximately \$8,500 U.S. dollars in advance to be smuggled into the U.S. MIGDAEL identified RODRIGUEZ-Serrano in a photographic lineup display as the driver of the vehicle in which he was being transported to the meeting in Houston when the police detained them. MIGDAEL stated that RODRIGUEZ-Serrano was the person in charge at the stash house he was being held and the driver that picked him up in Houston from the driver that transported him from the brush into Houston. MIGDAEL further identified LOPEZ-Garcia in a photographic lineup display as the other person in charge of the stash house in Houston where he arrived at

since August 12, 2018. MIGDAEL further added that he was afraid he was going to be harmed when he was told he was going to be released and informed RODRIGUEZ-Serrano that he would not go anywhere without talking with his sister. MIGDAEL also stated that both RODRIGUEZ-Serrano and LOPEZ-Garcia were in charge of keeping food supplies at the stash house and both kept the illegal aliens locked into the apartment with the windows boarded up. MIGDAEL further identified apartment 115 as the stash house he was being held at.

12. At the SPC, agents interviewed Guatemalan national Justo Rodrigo NOJ (Hereinafter NOJ), who stated that he travelled from Guatemala to get to Maryland to work and support his family financially. NOJ stated that his mother-in-law paid a smuggling fee of \$15,000 U.S. dollars in full in Guatemala but that he was still being held against his will and was being extorted for an extra \$2,300 US dollars. NOJ identified RODRIGUEZ-Serrano as the driver of the vehicle in which he was transported from McAllen to Houston, Texas, to the stash house he was detained at by police in Houston. NOJ also identified LOPEZ-Garcia as a stash house guard who also brought food.

13. At the SPC, agents interviewed Guatemalan national Pedro Gerardo GOMEZ-Veliz (Hereinafter GOMEZ-Veliz), who stated that he travelled from Guatemala to get to Florida, to work and support his family financially. GOMEZ-Veliz stated that his uncle was paying a smuggling fee between \$13,000 to \$15,000 US dollars from which he still owed between \$2,000 and \$3,000 US dollars. GOMEZ-Veliz identified RODRIGUEZ-Serrano as the person who placed him in the stash house and took his cellphone away. GOMEZ-Veliz also identified LOPEZ-Garcia as the assistant to RODRIGUEZ-Serrano.

14. In an interview after his arrest and after waiving his constitutional rights, RODRIGUEZ-Serrano admitted to his role in running the stash house for a \$250 US dollar payment per load of aliens that he did for his boss MANUEL. RODRIGUEZ-Serrano also admitted keeping the aliens locked in the apartment to prevent escapes because he had recently lost one alien and his boss charged him personally for the lost income. RODRIGUEZ-Serrano identified MANUEL's telephone number as 346-901-9442, which agents found during a consented search of the LG cellphone seized from RODRIGUEZ-Serrano bearing telephone number 956-599-8196. Text messages between these two cellphone numbers showed RODRIGUEZ-Serrano consulting the delivery of TIAGO's alien and the fee to collect, to what MANUEL responded to collect \$7,000 U.S. dollars and to get rough for the transaction. HSI Houston special agents also seized two cellphones from LOPEZ-Garcia, in which during a later search pursuant to a search warrant, found that one of the phones contained MANUEL's telephone number saved as a contact named "MANUELA".

15. On August 27, 2018, HSI Houston special agents obtained copies of the lease agreements and applications for lease for the Sunset Crossing Apartment Homes apartment numbers 115 and 112 at 10630 Beechnut St, Houston, Texas 77072. According to the documents, apartment 115 was leased by a Jose NUNEZ, born November 7, 1987, who presented a Mexican driver license under the name of Jose NUNEZ-Arellano, which includes his photograph. According to immigration records, Mexican national Jose NUNEZ-Arellano, born on November 8, 1987, alien file number A205897062, was issued an expedited removal from the U.S. on March 17, 2013 and has been removed subsequently multiple times. Immigration records include photographs for all of the encounters of NUNEZ-Arellano and said photographs depict the same individual from the Mexican driver license supplementing the lease agreement for apartment 115.

16. On August 30, 2018, HSI Houston special agents conducted a consented search of apartments 115 and 112 at the Sunset Crossing Apartment Homes, after the apartment complex management rescinded the lease contracts for both units for being used in criminal activity. That day the management company provided access to HSI agents to both units before their personnel discarded their contents. Agents found several items from both apartments, to include a Western Union receipt dated August 2, 2018, in which Huber NUNEZ-Arellano, at 7825 Corporate Dr, Houston, Texas, telephone number 956-599-5905, sent \$300 U.S. dollars to a Juana NUNEZ-Arellano in Michoacán, Mexico. A review on this telephone number in financial databases revealed more money transfers in the name of Huber NUNEZ-Arellano, both as sender and receiver.

17. On October 2, 2018, HSI special agents re-interviewed GOMEZ-Veliz, who identified Jose NUNEZ-Arellano from a photo lineup as MANUEL, aka VIEJON (Hereinafter referred to as MANUEL). GOMEZ-Veliz further stated that he saw MANUEL at the apartment once after MANUEL and RODRIGUEZ-Serrano transported him along three other illegal aliens from somewhere in San Antonio, Texas, into the stash house they were arrested in. GOMEZ-Veliz further stated that after being smuggled from McAllen to San Antonio through a Border Patrol checkpoint and concealed in a painter's work van, he and the other illegal aliens were turned over to MANUEL and RODRIGUEZ-Serrano (aka MARIACHI) at a gas station. GOMEZ-Veliz specified that MANUEL and RODRIGUEZ-Serrano transported him and the other three illegal aliens on board a white Chevrolet Tahoe he identified from a photo captured after the arrests.

18. After RODRIGUEZ-Serrano and LOPEZ-Garcia's arrests, HSI Houston special agents conducted a consented search of the two cellphone devices seized from RODRIGUEZ-Serrano. During the search agents found multiple photos of RODRIGUEZ-Serrano, MANUEL and a subject identified from the photos as Huber NUNEZ-Arellano (Hereinafter HUBER). Among the photos agents found a photo depicting MANUEL and RODRIGUEZ-Serrano standing at an apartment kitchen and several other photos of RODRIGUEZ-Serrano and another subject posing with a rifle while sitting on a sofa. The other subject posing with the rifle was identified through a photo that depicted his Mexican voter card with his full name and date of birth. According to immigration records, Mexican national Huber NUNEZ-Arellano, alien file 208280225, was issued an expedited removal on June 29, 2015 and removed to Mexico. Subsequently HUBER has been deported multiple times. Immigration records include photographs for all of HUBER's encounters with immigration authorities and said photographs depict the same individual posing in the photos with the rifle and with the Mexican voter card. Both of HUBER and MANUEL's immigration records identified their parents as Mexican nationals Jose NUNEZ-Garcia and Severa ARELLANO-De Leon, from Michoacán, Mexico.

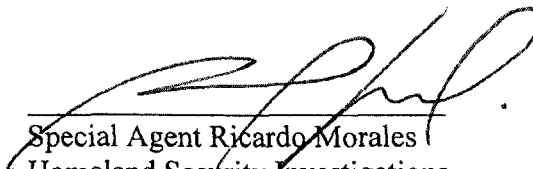
19. On November 2, 2018, HSI Houston special agents re-interviewed RODRIGUEZ-Serrano at the U.S. District Court building in Houston, Texas. RODRIGUEZ-Serrano identified MANUEL from a photo lineup as his boss from the stash house he was operating in Houston, Texas. RODRIGUEZ-Serrano further identified MANUEL in the photo of himself posing with MANUEL in a kitchen area. RODRIGUEZ-Serrano stated that he went twice to San Antonio with MANUEL to pick up illegal aliens that MANUEL drove back to the stash house on the white Chevrolet Tahoe in which he was arrested in. RODRIGUEZ-Serrano further identified MANUEL as the person who directed him to collect alien smuggling fees from the illegal aliens'

relatives and whom he gave those proceeds to after the collection. RODRIGUEZ-Serrano also stated that MANUEL is the owner of the white Chevrolet Tahoe that he drove around to deliver aliens and buy food. RODRIGUEZ-Serrano further stated that MANUEL is the one that authorized him to deliver MIGDAEL to the undercover agent and instructed him to collect \$7,000 U.S. dollars.


20. During the same interview RODRIGUEZ-Serrano identified HUBER as another of MANUEL's worker, name unknown, who typically managed the illegal aliens in apartment 112 at the Sunset Crossing Apartment Homes. RODRIGUEZ-Serrano further described HUBER as the guy with access to the firearms who cared, fed, delivered the illegal aliens and collected the fees from the relatives of the illegal aliens for MANUEL. RODRIGUEZ-Serrano also stated that MANUEL and HUBER hung out together a lot and went to San Antonio to pick up illegal aliens all the time. Further into the interview, RODRIGUEZ-Serrano stated that he took the photo of HUBER's Mexican voter card because MANUEL asked him to send him the photo and HUBER just handed him the card to comply with the request.

21. On November 15, 2018, HSI special agents identified telephone number 956-599-5905 saved as a contact named "GORDO" in LOPEZ-Garcia's LG cellphone. Agents also identified that on July 30, 2018, RODRIGUEZ-Serrano received an address link via WhatsApp from telephone number 956-599-5905 on his seized Samsung Galaxy S7. This number is not saved as a contact in the phone and the provided address link is for a location on U.S. Interstate Highway I-10 in the outskirts of San Antonio, Texas, where RODRIGUEZ-Serrano stated that he went once with HUBER and MANUEL and twice with MANUEL to pick up illegal aliens for their stash house. RODRIGUEZ-Serrano also stated that MANUEL and HUBER went continuously together to San Antonio to pick up illegal aliens as well. On August 2, 2018, HUBER requested RODRIGUEZ-Serrano to buy a six pack of sodas via a WhatsApp message, which is consistent with RODRIGUEZ-Serrano's statement that he sometimes did the food shopping for the stash house. On August 20, 2018, RODRIGUEZ-Serrano sent HUBER the Mexican telephone number of alien smuggler SECO via WhatsApp for him to be picked up at the border, which is consistent with HUBER's removal from the U.S. in August 2018 after being apprehended by Border Patrol. Furthermore, agents identified telephone number 956-599-5905 as a telephone number that RODRIGUEZ-Serrano attempted to call eight times after his arrest, specifically between August 25 and August 27, 2018, from his detainee account at the Immigration and Customs Enforcement (ICE) Contract Detention Facility in Houston, Texas.

22. Based upon the evidence gathered from the investigation, I believe there is probable cause to believe that Jose NUNEZ-Arellano, aka MANUEL, aka VIEJON, and HUBER NUNEZ-Arellano, aka GORDO, violated Title 8, United States Code, Section 1324(a)(1)(A)(v)(I), by combining, conspiring, confederating and agreeing with each other, and with persons known and unknown, to transport and move illegal aliens within the United States, in any manner whatsoever, knowingly and in reckless disregard of the fact that such aliens had come to, entered and remained in the United States in violation of law, and to conceal, harbor and shield from detection the said aliens, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(i).


Special Agent Ricardo Morales
Homeland Security Investigations
Houston, Texas

Sworn and subscribed before me on November 26, 2018 and I find probable cause.



Dena Hanovice Palermo

U.S. Magistrate Judge